

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 INRE-00 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 SAJ-01

L-02 SS-15 NSC-05 NSCE-00 /052 W

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O 091637Z APR 75

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 9079

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E.O. 11652 N/A

TAGS: EAIR, US, UR

SUBJECT: CIVAIR: EXPANSION OF BILATERAL AIR SERVICES

REF: A. STATE 89602 B. MOSCOW 4729

1. EMBOFF MET APRIL 9 WITH LYUBIMOV AND PRESENTED PROPOSED TEXT FOR NOTE EXCHANGE, WHICH INCLUDED PARAGRAPH 8 FROM INITIAL US PROPOSAL AS PART (1) OF NEW TWO-PART PARAGRAPH 5 TO PROTOCOL ANNEX (PER REFTEL). LYUBIMOV RESPONDED WITH SOVIET VIEW THAT "BEYOND GATEWAY" CLAUSE--IF INCLUDED AT ALL--MUST BE LINKED TO 1975 SUMMER PERIOD. PROPOSED SOVIET TEXT WOULD READ: QUOTE (1) WITH REGARD TO THE ROUTES SPECIFIED IN TABLE I AND II, EACH DESIGNATED AIRLINE MAY OPERATE AIR SERVICES TO AND FROM POINTS IN ITS HOMELAND BEHIND THE FINAL POINT OF DEPARTURE OR INITIAL POINT OF ARRIVAL WITHOUT CHANGE OF AIRCRAFT OR FLIGHT NUMBER DURING THE 1975 SUMMER SEASON AND AS MAY SUBSEQUENTLY BE AGREED TO BETWEEN THE CONTRACTING PARTIES. END QUOTE.

2. PER PARA. 1 REFTEL EMBOFF DID NOT ENUNCIATE US POSITION THAT "BEYOND GATEWAY" OPERATION IS IN ANY EVENT INHERENT RIGHT OF BOTH PARTIES TO AGREEMENT. LYUBIMOV STATED THAT SOVIETS HAVE ABSOLUTELY NO OBJECTION TO SUCH PRINCIPLE AND WILL MAKE NO ISSUE OF IT IN DEALINGS WITH PAN AM IF OMITTED FROM PARA. 5. IF US INSISTS ON INCLUSION IN PARA. 5, HOWEVER, SOVIETS FEEL LINKAGE WITH TIME

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LIMITATION ONLY PROPER. THIS WOULD MAKE IT ANOTHER SUBJECT FOR

REVIEW, ALONG WITH FREQUENCIES AND CHARTER OPERATIONS AMONG OTHERS, WITHIN OVERALL FRAMEWORK OF BILATERAL CIVIL AIR RELATIONS IF INTER-GOVERNMENTAL TALKS HELD NEXT AUTUMN. IN THIS CONNECTION, LYUBIMOV NOTED THAT SOVIETS VIEW 1975 SUMMER SEASON IN GENERAL AS "TRIAL PERIOD" TO SEE WHETHER "NEW, HIGHER LEVEL OF US-SOVIET AVIATION RELATIONS" CAN BE SUSTAINED.

3. EMBASSY BELIEVES THIS MAY BE PROPER TIME TO INFORM SOVIETS THAT US VIEWS IN-COUNTRY OPERATIONS "BEYOND GATEWAY" TO BE INVIOABLE RIGHT OF RESPECTIVE CARRIERS, NOT SUBJECT TO NEGOTIATION AND/OR RE-NEGOTIATION. IF DEPT CONCURS WE WOULD RECOMMEND STATING THAT INCLUSION WITHIN PROTOCOL DESIGNED ONLY TO FORMALIZE AND SPECIFY THAT RIGHT.

4. PLEASE ADVISE.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, TEXT, AIR ROUTE AGREEMENTS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MOSCOW04896
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750123-0672
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750467/aaaacjud.tel
Line Count: 77
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 89602, 75 MOSCOW 4729
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 12 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 JUN 2003 by izenbei0>; APPROVED <24 OCT 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: EXPANSION OF BILATERAL AIR SERVICES
TAGS: EAIR, US, UR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006